

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Mike Ervin,

Plaintiff,

v.

Case No. 1:09cv591

Commissioner of Social Security,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on July 6, 2010 (Doc. 13).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. The decision by the Commissioner is **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g) consistent with the opinion by the Magistrate Judge which includes properly weighing the medical evidence and giving specific reasons for the weight given to Dr. Trinidad's medical opinion as required by 20 C.F.R. § 404.1527(d)(2)-(6); and considering all relevant limitations concerning plaintiff's left arm restrictions in his RFC.

IT IS SO ORDERED.

/s/ Michael R. Barrett

Michael R. Barrett
United States District Judge